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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**

JH KELLY, LLC

Plaintiff,

vs.

AECOM TECHNICAL SERVICES, INC., et al.

Defendant.

Case No. 4:20-cv-05381-HSG (Lead Case)

(Reference withdrawn from Bankruptcy Case No. 19-30088, Adv. Proc. No. 20-03019 and Adv. Proc. No. 19-03008)

(Consolidated with Case No. 3:20-cv-08463-EMC)

**ORDER ON STIPULATED  
REQUEST TO ADVANCE  
HEARING DATE RE: JH KELLY'S  
MOTION FOR LEAVE TO AMEND  
SECOND AMENDED COMPLAINT  
[DKT NO. 82]**

1 Pursuant to Civil Local Rules 6-2 and 7-12, AECOM Technical Services (“AECOM”), JH  
2 Kelly, LLC (“Kelly”), Pacific Gas and Electric Company (“PG&E”), and Ed Staub and Sons  
3 Petroleum, Inc. (“Staub”) (collectively, the “Parties”) jointly seek an order of the Court to advance  
4 the hearing date for Kelly’s Motion for Leave to Amend its Second Amended Complaint (“Motion  
5 for Leave”).

6 The Parties, through their respective counsel, stipulate as follows:

7 WHEREAS, on August 10, 2021, PG&E filed its Motion to Dismiss/Strike re: AECOM’s  
8 Second Amended Counterclaim (“Motion to Dismiss/Strike”) [Dkt. No. 67], setting a hearing date  
9 of November 18, 2021;

10 WHEREAS, on August 17, 2021, the hearing date of PG&E’s Motion to Dismiss/Strike  
11 [Dkt. No. 67] was reset to November 4, 2021;

12 WHEREAS, on September 17, 2021, Kelly filed its Motion for Leave [Dkt. No. 82], set  
13 for hearing on January 13, 2022;

14 WHEREAS, Kelly’s proposed Second Amended Complaint [Dkt. No. 83-1] contains  
15 revisions to its sixth cause of action for Quantum Meruit/Abandonment, among other revisions;

16 WHEREAS, the Court’s decision on PG&E’s Motion to Dismiss/Strike [Dkt. No. 67],  
17 specifically as to AECOM’s seventh cause of action for Quantum Meruit, and Kelly’s Motion for  
18 Leave [Dkt. No. 82], specifically as to Kelly’s sixth cause of action for Quantum  
19 Meruit/Abandonment [Dkt. No. 83-1], will both involve the Court’s analysis of quantum  
20 meruit/abandonment causes of action under California law;

21 WHEREAS, the Parties believe it would be the most efficient use of the Parties’ and the  
22 Court’s resources to have Kelly’s Motion for Leave [Dkt No. 82] heard at the same date and time  
23 as PG&E’s Motion to Dismiss/Strike [Dkt. No. 67];

24 WHEREAS, there have been no previous time modifications in this case related to Kelly’s  
25 Motion for Leave, but there have been four (4) other brief time modifications in the case by  
26 stipulation of the Parties;

1 WHEREAS, the reason for requesting the advancing of Kelly's Motion for Leave hearing  
2 is so that related substantive and procedural issues can be determined together, and to streamline  
3 the case;

4 WHEREAS, the requested time modification will not impact the schedule for the case.

5 NOW THEREFORE, in consideration of the foregoing, the Parties, by and through their  
6 respective counsel, hereby STIPULATE and AGREE as follows:

7 1. Kelly's Motion for Leave hearing, currently scheduled for January 13, 2022 at 2:00  
8 p.m. is advanced to November 4, 2021 at 2:00 p.m., the same date and time as PG&E's Motion to  
9 Dismiss/Strike;

10 2. By entering into this Stipulation, the Parties do not waive, and expressly preserve any  
11 and all rights and defenses.

12  
13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14  
15 DATED: 10/4/2021

16 By:   
17 HAYWOOD S. GILLIAM, JR.  
18 United States District Judge  
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